

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of Southern  
California Edison Company (U 338-E) Regarding  
the Future Disposition of the Mohave Generating  
Station.

Application 02-05-046  
(Filed May 17, 2002)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING MOTION OF THE UTILITY REFORM NETWORK  
FOR ACCEPTANCE OF A LATE-FILED CONFIDENTIAL  
APPENDIX TO OPENING BRIEF**

On August 10, 2004, The Utility Reform Network (TURN) filed a motion for Acceptance of a Late-Filed Confidential Appendix to its Opening Brief in the above referenced proceeding. The confidential document had previously been filed under seal, pursuant to a January 7, 2003 ruling in Rulemaking 01-10-024 and a July 22, 2004 ruling in Application 02-05-046. When TURN filed its opening brief on August 9, 2004, it inadvertently left off the Confidential Appendix.

On August 12, 2004, The Navajo Nation (Navajo) filed a response to TURN's motion arguing that to allow the late-filed Confidential Appendix would violate the briefing schedule, violate the Commission's rules governing timely-filed briefs, and exacerbate the due process violation already inflicted on the Navajo when this exhibit was admitted into evidence, Exhibit 28-C. The Navajo was not a signatory to a non-disclosure agreement so it had not seen the exhibit, had not reviewed it, and therefore could not respond to TURN's arguments concerning the contents of the confidential exhibit. These arguments

had already been advanced by the Navajo in a brief opposing the admission of Exhibit 28-C into evidence and duly considered before a ruling issued admitting the document.

On August 23, 2004, TURN replied to the Navajo response.

Having considered all the arguments presented by both TURN and the Navajo, TURN's motion is granted and the late-filed exhibit is accepted. The confidential exhibit is already in evidence and no point would be served by denying its acceptance as an appendix to TURN's timely-filed brief.

**IT IS RULED** that The Utility Reform Network's Motion for Acceptance of a Late-Filed Confidential Appendix to its Opening Brief is granted.

Dated September 1, 2004, at San Francisco, California.

/s/ CAROL A. BROWN

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Carol A. Brown  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion of the Utility Reform Network for Acceptance of a Late-Filed Confidential Appendix to Opening Brief on all parties of record in this proceeding or their attorneys of record.

Dated September 1, 2004, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.